

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

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IN RE:

Case No. DK 09-06857
(Chapter 7 filed 6/5/09)

KEVIN E. MILLS and
ARLETTA L. MILLS,

Debtors.

HON. SCOTT W. DALES
Bankruptcy Judge

THOMAS C. RICHARDSON, TRUSTEE,

APN _____

Plaintiff,

v

FRED D. FOLTS,
JANIS A. FOLTS,

Defendants.

COMPLAINT FOR AVOIDANCE OF PREFERENTIAL TRANSFER

Thomas C. Richardson, Trustee, states as follows for his Complaint under 11 U.S.C. §§547 and Bankruptcy Rule 7001(1) & (2):

1. He is the duly appointed, qualified and acting Trustee in this Chapter 7 proceeding filed on June 5, 2009.
2. Defendants are individuals who reside in Michigan.
3. This Court has jurisdiction pursuant to 28 U.S.C. §§157 and 1334, and 11 U.S.C. §547.
4. This is a core proceeding under 28 U.S.C. §157(b)(2)(F).
5. Venue is proper under 28 USC §1409(a)
6. Debtors made payment to the Defendants in the total amount of \$3,000 during the one year prior to the bankruptcy filing.

7. Defendants are Debtor Arletta Mills' parents and thus "insiders."
8. A transfer took place at the time of the payment.
9. The transfer was made within the one year preference period under 11 U.S.C. §547.
10. The transfer was to or for the benefit of Defendants as creditors.
11. The transfer was on account of an antecedent debt owed by the Debtors before the transfer was made.
12. This transfer was made while the Debtors were insolvent.
13. This transfer enabled Defendants to receive more than they would have received if:
 - (a) The case were a case under Chapter 7;
 - (b) The transfer had not been made; and
 - (c) Defendants received payment on their debt to the extent provided by the provisions of the Bankruptcy Code.
14. This transfer may be avoided by the Plaintiff/Trustee under the provisions of 11 U.S.C. §547(b).

WHEREFORE, Plaintiff requests that this Honorable Court enter Judgment in favor of Plaintiff and against Defendants in the amount of \$3,000, and awarding Plaintiff his costs, including the \$250.00 filing fee, and such further relief as is just.

LEWIS, REED & ALLEN, P.C.

Dated: 6/3/11

By: /s/
Thomas C. Richardson (P31750)
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